



## REMARKS

This document is filed in response to the Office Action of September 20, 2005.

### EXAMINER'S AMENDMENT

The Examiner has entered an Examiner's Amendment to Claim 1, replacing "balance head" on line 9 with "balance weight". The applicant agrees to the changes made by the Examiner.

### ELECTION/RESTRICTIONS

The Applicant has elected Claims 1 to 7, and has cancelled Claims 8 to 28, which are drawn to an unelected invention.

### CLAIM REJECTION UNDER 35 USC 112 SECOND PARAGRAPH

Claim 6 stands rejected as recited "disk spacers" in line 11 with insufficient antecedent basis. This Claim has been amended to overcome this rejection as follows.

6. (currently amended)      The apparatus of Claim 1, said locking plate collection further comprising at least one ~~of~~ said disk spacers spacer.

The Applicant consequently requests the Examiner to remove this rejection to this Claim.

### CLAIM REJECTION UNDER 35 USC 102(B)

**Claim 1** stands rejected as anticipated by Thorson et al (US Patent 5,422,776). The Applicant disagrees, and has amended this Claim to further clarify the invention.

1. (Currently amended) At least one mechanical counterbalance for use in balancing a disk pack includes a spindle motor rigidly coupled and aligned by at least two open screw holes with a disk clamp, comprising:

a cylindrical shaft rigidly coupled to a latching assembly, both centered about a primary axis, and a balance weight;

wherein said latching assembly includes a compressible latch rigidly coupled to a latch gap zone, both centered about said primary axis;

wherein said balance head is rigidly coupled to said latch gap zone;

wherein said cylindrical shaft is rigidly coupled to said compressible latch;

wherein for each of said open screw holes, when said mechanical counterbalance is inserted into said open screw hole to lock said mechanical counterbalance,

said cylindrical shaft fits into said open screw hole,

said compressible latch compresses when pressed away from said cylindrical shaft in said open screw hole, and

said compressible latch expands when pressed further away from said cylindrical shaft in said open screw hole to lock said mechanical counterbalance against a member of a locking plate collection based upon said latch gap zone;

wherein said locking plate collection comprises said disk clamp and said spindle motor;

wherein said mechanical counterbalance has a total mass provided at essentially said primary axis when used in said disk pack; and

wherein said balance weight includes an interior face aligned toward members of said locking plate collection when said mechanical counterbalance is inserted into said open screw hole.

Thorson does not disclose a mechanical counterbalance including an interior face 112 referenced in Figures 4 to 6C, and visible in Figures 2 and 3, which aligns toward the disk clamp and the spindle motor, the locking plate collection members, when the mechanical counterbalance is inserted into an open screw hole, whereas every embodiment of this invention

includes just this limitation. Thorson discloses a mechanical counterbalance including "a cap 31, which is generally cylindrical in shape" (Column 3, lines 64 to 66), not only differing in shape but also incapable of operating in this manner. Consequently the Applicant finds this Claim patentable over Thorson, and request the removal of the rejection from the Claim.

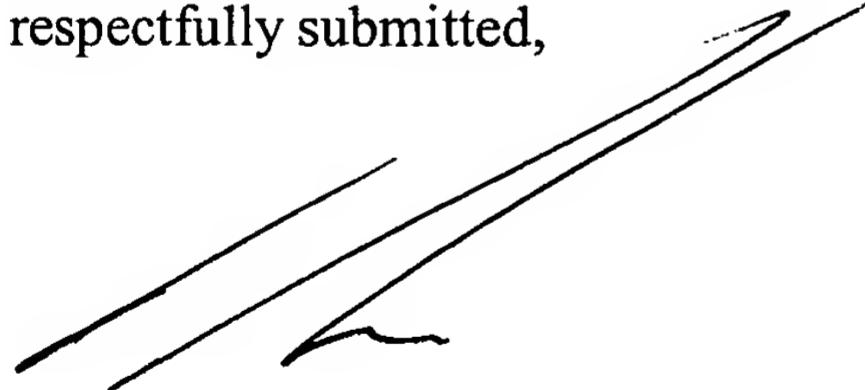
**Claims 2 to 7** stand rejected as anticipated by Thorson and are dependent upon Claim 1. These Claims inherit the limitations of Claim 1, and consequently, the Applicant finds these claims also patentable over Thorson, and requests the Examiner to remove the rejection to these Claims.

Accordingly, the Applicant has made all of the changes to the claims requested by the Examiner. The claims are now in condition for allowance, and allowance of Claims 1 to 7 is respectfully requested.

## **CONCLUSION**

For the reasons above, Applicant asserts that allowance of these claims is submitted to be proper and is respectfully requested. The Applicant invites the Examiner to contact Applicant's representative as listed below for a telephonic interview if so doing would expedite the prosecution of the application.

Very respectfully submitted,



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